

Application No. 10/713,437

AMENDMENTS TO THE DRAWINGS

Fig. 1 has been amended to include additional item numbers that correspond with the description amended in the specification. Specifically, item numbers 15 and 16 have been added to Fig. 1, wherein item number 15 is the outwardly angled shaft section and item number 16 is the linear handle section.

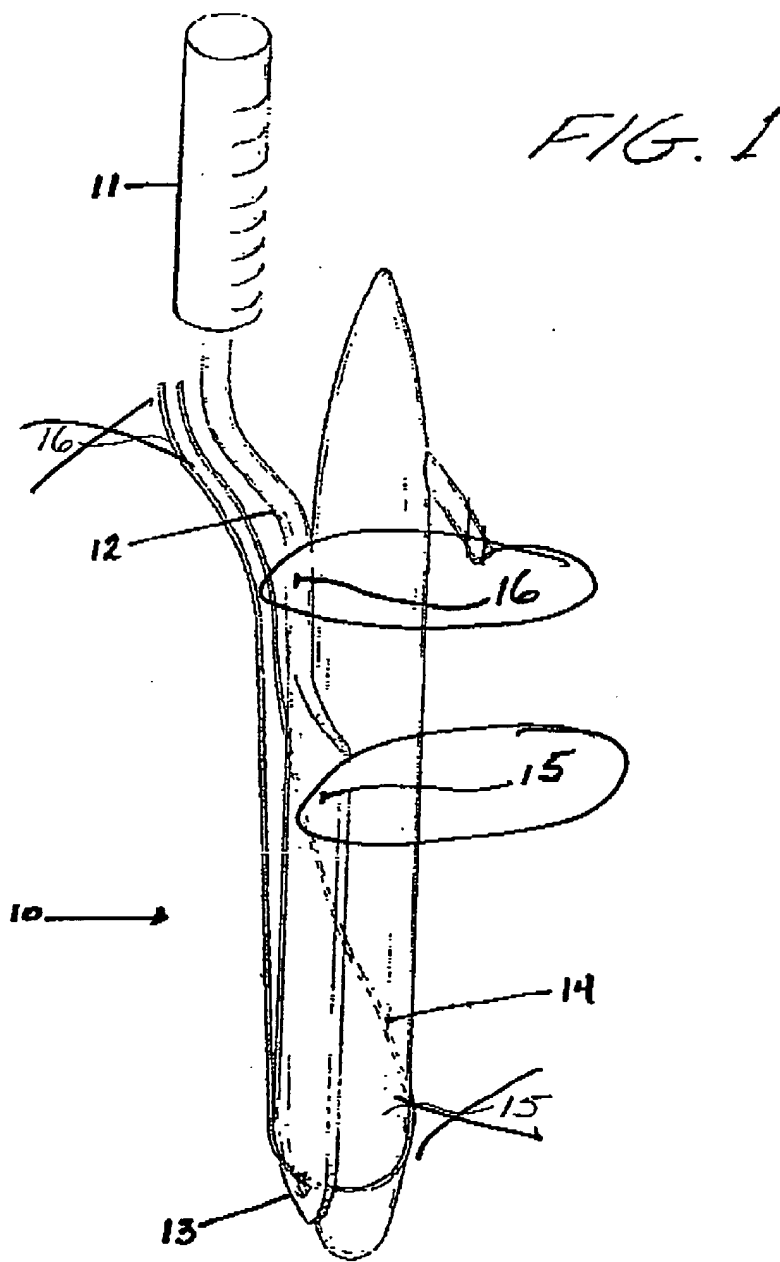
Figs. 2 and 3 have been amended to include additional item numbers that correspond with the description amended in the specification. Specifically, item numbers 23 and 33 have been added to identify the shaft. Item numbers 22 and 32 have been moved to point more particularly to the receptacle (notch) of the tool.

Annotated versions of Figs. 1-3 (3 pages) are provided immediately following the present page.

Attachment: Replacement Sheets for Figs. 1-3 (3 pages) provided after the last page of the amendment.

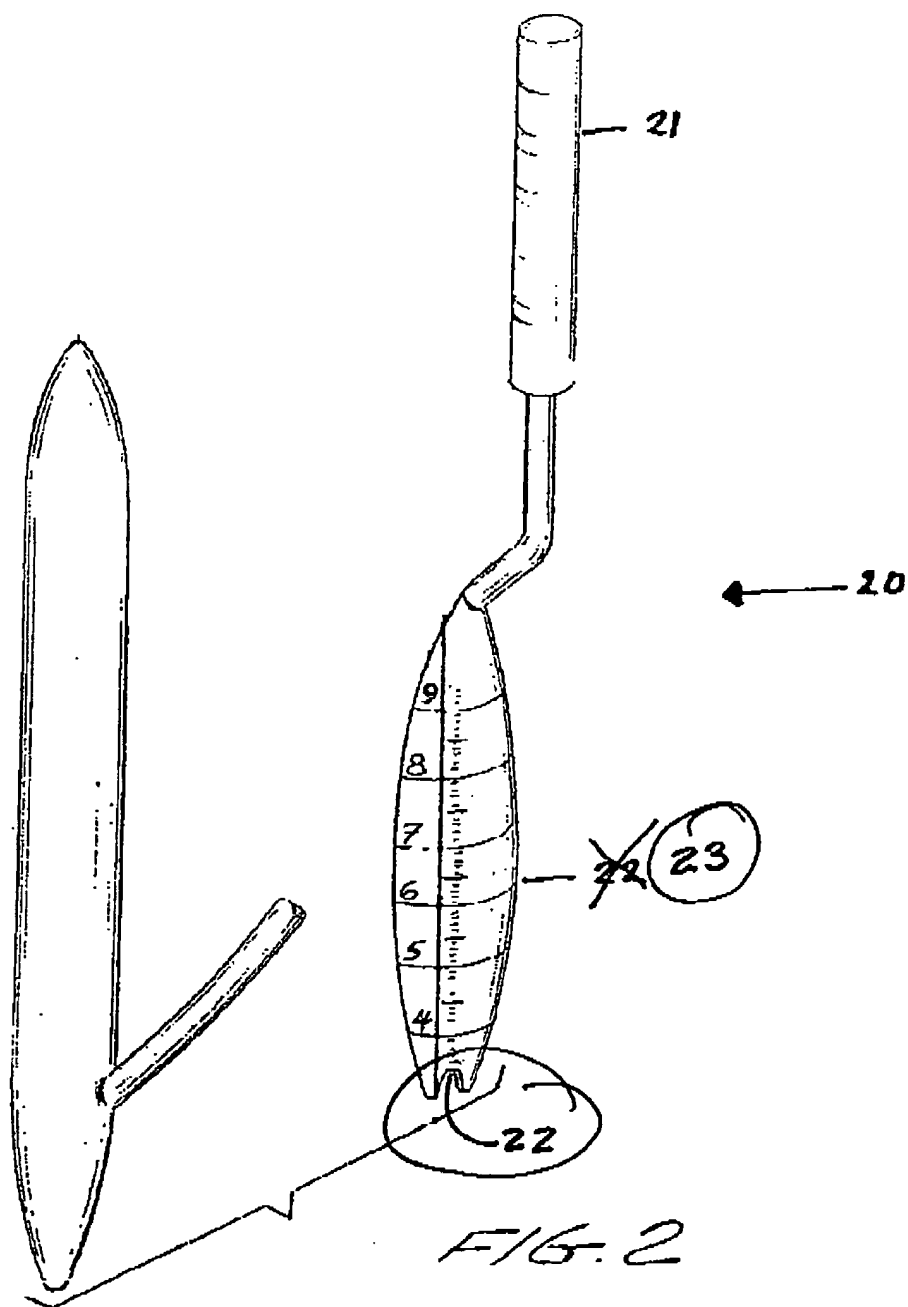
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ANNOTATED SHEET



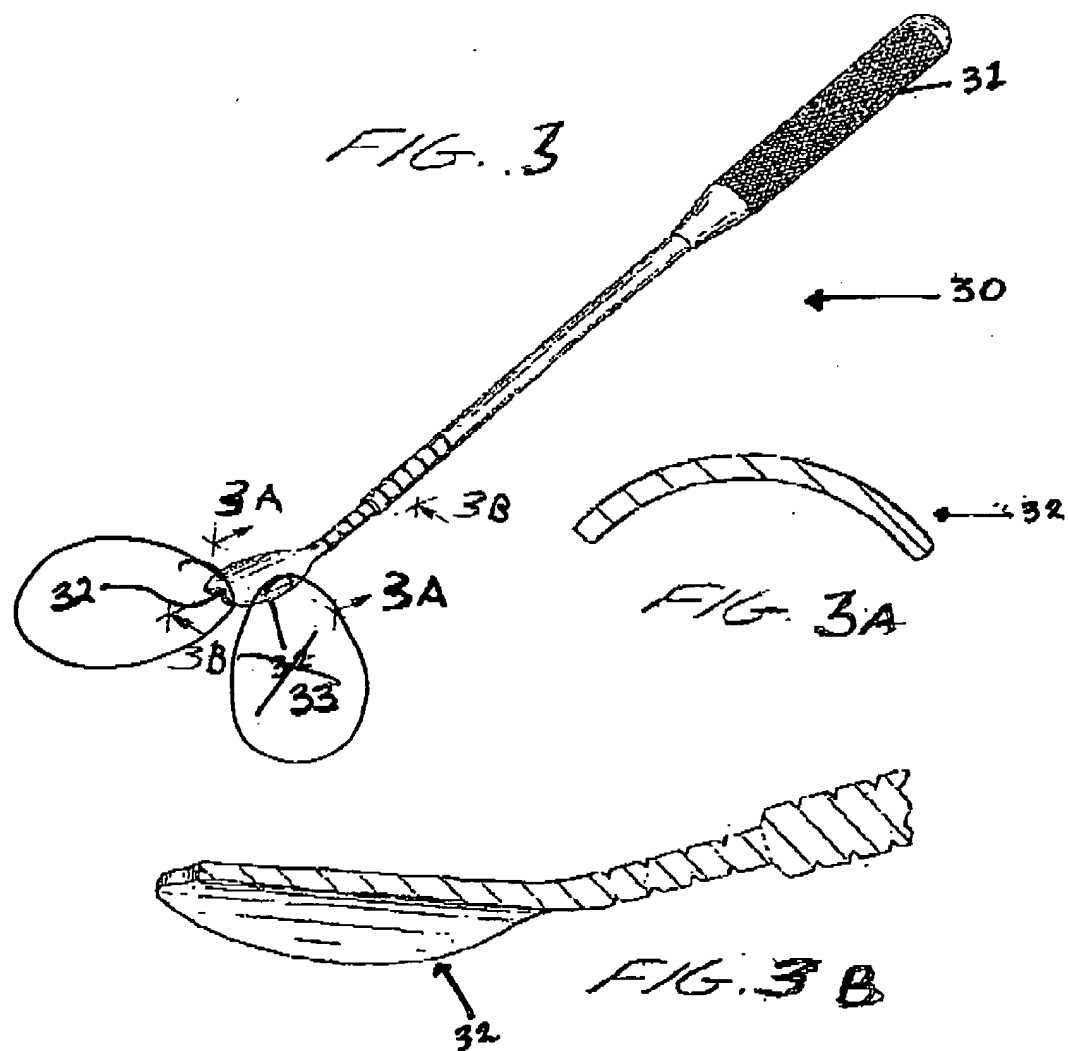
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## ANNOTATED SHEET



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ANNOTATED SHEET



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**REMARKS**

Claims 1, 4-6 and 8-27 are pending. By this Amendment, claim 6 has been amended.

**Allowed Claims**

Claims 1, 5 and 17-27 are noted as allowed. Claim 4 is noted as allowable if rewritten to overcome the rejection under 35 USC §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

**Drawings**

Applicant has amended Fig. 1 to include additional item numbers that correspond with the description amended in the specification. Specifically, item numbers 15 and 16 have been added, wherein item number 15 is the outwardly angled shaft section and item number 16 is the linear handle section. The location of item numbers 15 and 16 have changed from the last amendment. The outwardly angled shaft section 15 is outwardly angled from the center line of the linear handle section. The portion of the outwardly angled shaft section 15 that is visible on Fig. 1 is replicated on the other side of the tool, and together, the outwardly angled shaft section and its replicate form a convexity, or a roundness in the tool so that it may fit over the rounded prosthesis. Applicant submits that the drawings should now be clear and requests that the objection to the drawings be withdrawn.

Applicant has amended Figs. 2 and 3 to add item numbers 23 and 33 which identify the shaft, in cooperation with the amendment to the specification presented above. Item numbers 22 and 32 have been moved on the drawing to show that they refer to the notch, or receptacle, at the end of the shaft of the tool.

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**Objection to the Specification**

In view of the amendment and explanation of Fig. 1 provided above applicant submits that no new matter has been added to the specification and that no deletion of new matter is required.

**Claim Rejections – 35 USC § 112**

Claim 4 has been rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 4 states that the outwardly angled shaft section that has a convexity of 0.5 to 1.5 cm. As explained above with regard to Fig. 1, the outwardly angled shaft section 15 is outwardly angled from the center line of the linear handle section. The outwardly angled shaft section is duplicated on the other side of the tool, and together, the two outwardly angled shaft sections form a convexity, or a roundness, in the tool so that it may fit over the rounded prosthesis. As such, the outwardly angled shaft sections present essentially a half circle having a diameter, or width, and a radius measured from the center point of the half circle that is the convexity of the tool. In view of this clarification, applicant requests that rejection of claim 4 under § 112 be withdrawn.

Claim 6 has been rejected under 35 USC § 112, second paragraph, as being indefinite. The specification and Figs. 2-3 have been amended to better clarify the exact location of the shaft and the exact location of the receptacle, i.e., the notch at the end of the shaft of the tool. These amendments should then help to clarify the claim language as well. As such, applicant requests that the rejection of claim 6 under § 112 be withdrawn.

**Claim Rejections – 35 USC § 102 & 103**

**Claims 6, 8-12, and 28**

Claims 6 and 8-12 stand rejected under 35 USC § 102(b) as being anticipated by Mohamad (5,484,450). Claim 28 stands rejected under 35 USC § 103(a) as being unpatentable

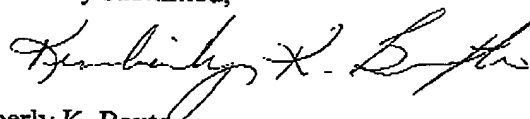
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over Mohamad as applied to claim 6 in view of Furlow et al (4,244,370). The specification and Figs. 2-3 have been amended to clarify that the receptacle, as claimed in independent claim 6, is the notch at the end of the shaft of the tool. These amendments should also help to clarify the claim language of claim 6. Additionally, claim 6 has been amended to state that the receptacle is configured to physically engage at least a portion of the proximal tip of said penile implant prosthesis *upon directing said receptacle of said elongate shaft downward towards said penile implant prosthesis*, and that the receptacle is designed to fit circumferentially about at least a portion of the cylindrical shape of the proximal tip *when in the downward direction*. The embodiment of Figs. 3 and 4 of Mohamad does show a shaft but it does not show a shaft with a receptacle that fits circumferentially about a portion of the proximal tip of the implant when in a downward direction. Applicant therefore submits that independent claim 6 is in allowable form and requests that rejection to claim 6 and its dependent claims 8-12 and 28 be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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